

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**DEBORAH BYGUM, Administratrix of )  
the Estate of ERIC MICHELL YOUNG, )  
deceased, )**

**Plaintiff, )**

**v. )**

**The CITY OF MONTGOMERY, )  
ROGER L. KING, )  
individually as a member of the )  
Montgomery Police Department, the )  
CITY OF SMITHERS, and )  
JOHN MICHAEL HESS, SR., )  
individually as a member of the Smithers )  
Police Department, )**

**Defendants. )**

**Civil Action No. 2:19-cv-00456  
Honorable John T. Copenhaver, Jr.**

**PLAINTIFF’S MOTION FOR LEAVE TO FILE HER RESPONSE TO SUMMARY  
JUDGMENT IN ACCORDANCE WITH THE COURT’S MOST RECENT  
SCHEDULING ORDER**

COMES NOW, Plaintiff Deborah Bygum, on behalf of the Estate of Eric Mitchell Young (hereinafter “Plaintiff”), by counsel, and moves the Court for leave to file her response to Defendants’ Motions for Summary Judgment in accordance with the deadlines set forth in the Court’s June 4, 2020 Scheduling Order. In support thereof, Plaintiff respectfully states as follows:

Under the previous Scheduling Order entered by the Court, the deadline for summary judgment motions was June 2, 2020 [ECF #50]. On June 2, 2020, Defendants filed their respective Motions for Summary Judgment [ECF #64 and ECF #67]. That same day, the Parties filed a Consent Motion to extend scheduling order deadlines in this case [ECF #66]. On June 4, 2020, the Court granted the Parties’ Consent Motion and entered a new Scheduling Order, which

establishes new deadlines for summary judgment motions. [ECF #69].

Per the Parties' Consent Motion, discovery is ongoing in this case. There are numerous fact witnesses, a 30(b)(6) witness, and likely several expert witnesses who have not yet been deposed. Therefore, Plaintiff requests leave to file her Response to Defendants' Motions for Summary Judgment on August 10, 2020 (in accordance with the Court's June 4, 2020 Scheduling Order) so discovery can first be completed.

Defense counsel have been provided a copy of this Motion in advance and do not oppose the Motion.

Alternatively, should the Court not grant Plaintiff's Motion, Plaintiff requests fourteen (14) days to respond to Defendants' Motions for Summary Judgment.

**DEBORAH BYGUM, on behalf of the  
ESTATE OF ERIC MITHCELL  
YOUNG,**

**By Counsel**

/s/ Russell A. Williams

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**Defendants. )**

**Civil Action No. 2:19-CV-00456  
The Honorable John D. Copenhaver, Jr.**

**CERTIFICATE OF SERVICE**

I, Russell A. Williams, do hereby certify that on this the 16<sup>th</sup> day of June, 2020, I electronically filed this **“PLAINTIFF’S MOTION FOR LEAVE TO FILE HER RESPONSE TO SUMMARY JUDGMENT IN ACCORDANCE WITH THE COURT’S MOST RECENT SCHEDULING ORDER”** through the ECF system to the following:

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/s/ Russell A. Williams  
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